

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

THE JAMES MADISON PROJECT
1250 Connecticut Avenue, N.W.
Suite 700
Washington, D.C. 20036

and

BRIAN J. KAREM
22 West Jefferson Street
Suite 309
Rockville, MD 20855

Plaintiffs,

v.

DEPARTMENT OF DEFENSE
1000 Defense Pentagon
Washington, D.C. 20301-1000

Defendant.

Civil Action No. 18-2796

* * * * *

COMPLAINT

This is an action under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, et seq., as amended, to seek production of agency records sought by the plaintiffs

The James Madison Project and Brian Karem from the defendant Department of Defense.

JURISDICTION

1. This Court has both subject matter jurisdiction over this action and personal jurisdiction over the defendant pursuant to 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1331.

VENUE

2. Venue is appropriate under 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1391.

PARTIES

3. Plaintiff The James Madison Project (“JMP”) is a non-partisan organization established in 1998 to promote government accountability and the reduction of secrecy, as well as educating the public on issues relating to intelligence and national security.

4. Plaintiff Brian Karem (“Karem”) is an award-winning investigative reporter. He currently serves as the White House correspondent for Playboy Magazine, as well as the Executive Editor for Sentinel Newspapers.

5. Defendant Department of Defense (“DoD”) is an agency within the meaning of 5 U.S.C. § 552(f), and is in possession and/or control of the records requested by the plaintiffs that are the subject of this action. DoD controls – and consequently serves as the proper party defendant for litigation purposes for – the Department of the Army (“Army”).

COUNT ONE (ARMY)

6. On September 4, 2018, JMP and Karem (hereinafter referred to jointly as the “Requesters”) submitted a FOIA request to the Army. That same day, a request for similar information was submitted to the Government Accountability Office (“GAO”) consistent with GAO’s non-FOIA public release procedures.

7. By e-mail dated September 4, 2018, the Army acknowledged receipt of the FOIA request submitted to it and assigned it Control Number FP-18-028511.

8. More than twenty (20) business days have lapsed since the Requesters submitted their FOIA request to the Army. No substantive response has been received as of today. The Requesters have constructively exhausted their administrative remedies.

WHEREFORE, plaintiff The James Madison Project and Brian Karem pray that this Court:

(1) Order the defendant Department of Defense to process and release to the plaintiffs all responsive, non-exempt records;

(2) Award reasonable costs and attorney's fees as provided in 5 U.S.C. § 552(a)(4)(E) and/or 28 U.S.C. § 2412(d);

(3) Expedite this action in every way pursuant to 28 U.S.C. § 1657(a); and

(4) Grant such other relief as the Court may deem just and proper.

Date: November 30, 2018

Respectfully submitted,

/s/

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